

REMARKS

Claims 1, 22, and 23 have been amended. Claims 16 and 28 stand withdrawn. Claims 1, 5-8, 16, 17, 20, 22-29 are pending in the application. Applicants reserve the right to pursue the original claims and other claims in this and other applications.

Applicants thank the Examiner for the courtesies extended during the interview conducted on May 14, 2009. During that interview, the Examiner and Applicant's representative discussed amendments to the claims and their relation to the cited prior art. The Examiner and Applicant's representative agreed that the lugs 50-50 in the nail clipper of Patent No. 4,614,031 ("Chen") extend horizontally outwards from the lever 44.

Claims 1, 5-8, 17, 20, and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,614,031 ("Chen") in view of U.S. Patent No. Des. 392,419 ("Litton"). This rejection is respectfully traversed.

Claim 1 recites "a second post having a first end and a second end, the first end of the second post being connected to the second end of the first post by a hinge, and the second end of the second post being located above the first end of the second post." The Chen and Litton combination does not teach or suggest this limitation, or otherwise render claim 1 obvious because Chen does not disclose a second post connected to the second end of the first post by a hinge and does not disclose a second end of the second post being located above the first end of the second post.

The Office Action characterizes the "pair of lugs 50-50" of Chen as the second post and the "pair of essentially semi-conduit recess seats 30-30" as a hinge. (Office Action, page 4). Applicants respectfully disagree with these characterizations. Chen states that "the nail clipper 10 further includes...a lever lug end 48 that has a pair of lugs 50-50 which

are pivotally, rotatably disposed or lodged in the pair of essentially semi-conduit recess seats 30-30." (Chen, column 2, lines 45-49). Thus, the lugs 50-50 and the recess seats 30-30 of Chen together make up a hinge. Therefore, Chen only teaches a hinge coupled to the cover depressing lever 44, and does not teach or suggest "a second post...connected to the second end of the first post by a hinge" as recited by claim 1.

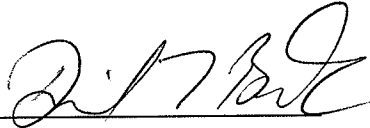
Furthermore, even if the "pair of essentially semi-conduit recess seats 30-30" could fairly be characterized as a hinge, which they cannot, the second ends of the lugs 50-50 are not located above the first ends of the lugs 50-50. To the contrary, as shown in FIG. 1 of Chen, the lugs 50-50 are arranged horizontally so that they may be seated in the recess seats 30-30.

Since the Chen and Litton combination does not teach or suggest all of the limitations of claim 1, claim 1 is not obvious over the cited references. Claims 22 and 23 include limitations similar to those of claim 1 and are allowable for at least the same reasons. Claims 5-8 depend from claim 1 and claims 24-29 depend from claim 23 and are patentable at least for the reasons mentioned above. Applicant respectfully requests that the rejection be withdrawn and the claims allowed.

In view of the Above, Applicants believe the pending application is in condition for allowance.

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Respectfully submitted,

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